

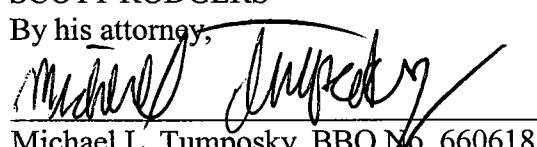
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT RODGERS,)
Plaintiff,)
v.)
CORRECTION OFFICER ORCUTT,)
UNKNOWN CORRECTION OFFICER)
JOHN DOE, JOE WHITMORE, DR.)
HOWARD, JOHN SMITH and)
PLYMOUTH COUNTY,)
Defendants.)
CIVIL ACTION NO. 04-11842-PBS

STIPULATION OF DISMISSAL

NOW COME the parties and hereby stipulate and agree pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure that the within action be dismissed, with prejudice, and without costs against John Smith only. The parties further stipulate that all rights of appeal are waived.

The Plaintiff
SCOTT RODGERS
By his attorney,


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The Defendant,
JOHN SMITH,
By his attorney,


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CERTIFICATE OF SERVICE

{K0330902.1}

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 8/29/06

By: 